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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,994	02/14/2001	Tatsuru Kuwabara	12894/003001/55713-US-TO/	4046
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HARNESS, DICKEY & PIERCE, P.L.C.			GOLD, AVI M	
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BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

2157

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/784,994

**Applicant(s)**

KUWABARA, TATSURU

**Examiner**

Avi Gold

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/6/04, 12/14/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment received on September 9, 2004 has been entered and fully considered.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al., U.S. Patent No. 6,031,904 further in view of De Boor et al., U.S. Patent No. 6,173,316.

An teaches the invention substantially as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract).

As to claim 1, An teaches a client server system for supplying information to client terminals, the client server system comprising:

an exclusive server storing information therein (col. 1, lines 31-40; An discloses a telephone service providers server);

means for specifying the client terminal by a code identifying a maker of the client terminal, the code being sent from the client terminal to the exclusive server (col. 1,

lines 31-40; An discloses a "telephone feature profile" accessed by a personal identification number); and

means for supplying information stored in the exclusive server only to the specified client terminal (col. 1, lines 54-67; col. 2, lines 1-11; An discloses a server connected to an information communications network).

An fails to teach the limitation further including a code identifying a maker of the client terminal.

However, De Boor teaches man-machine interfaces constructed from markup languages (see abstract). De Boor teaches the use of selected functions and content of a wireless device that are privilege-sensitive by the manufacturer (col. 17, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An in view of De Boor to use a code identifying a maker of the client terminal to access information from an exclusive server. One would be motivated to do so because it allows for exclusive information to be sent to a user.

Regarding claim 2, An and De Boor teach the client server system as in claim 1, wherein:

the supplying means rejects access to the exclusive server against an unspecified client terminal (col. 1, lines 54-67; col. 2, lines 1-11; An discloses subscribers receiving access to the server).

Regarding claim 3, An and De Boor teach the client server system as in claim 1, wherein:

the exclusive server stores information exclusive to the specified client terminals and public information (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11; An discloses a personal telephone feature profile and general information such as monthly costs); and

the supplying means supplies the exclusive information only to the specified client terminals, while supplying the public information to any client terminals (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11; An discloses a personal profile only available by a personal identification number and general information available over the Internet for the public).

Regarding claim 8, An and De Boor teach a client server system for supplying information to client terminals, the client server system comprising:

an exclusive server storing specified contents to be supplied only to the client terminals that are identified by a code sent from the client terminal to the exclusive server that the client terminals are manufactured by a specific maker (col. 1, lines 31-40);

means for downloading the specified contents stored in the exclusive server to the client terminals, wherein:

the specified contents are accompanied by a special command (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11; An discloses that profile features can be changed, added, or deleted);

the specified contents are downloaded together with the special command (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11, lines 19-26; An discloses a subscriber receiving changes through an access unit); and

upon receipt of the special command, a setting of the client terminals recognized as specified terminals by the exclusive server is changed (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11, lines 19-26, lines 35-42; An discloses a server making changes to a profile).

Regarding claim 9, An and De Boor teach the client server system as in claim 8, wherein:

data for changing the setting of the specified terminal are downloaded from the exclusive server (col. 1, lines 31-40, lines 54-67; col. 2, lines 2-11).

Regarding claim 10, An teaches the client server system as in claim 9, wherein:  
the data for changing the setting are downloaded together with the special command (col. 1, lines 31-40, lines 54-67; col. 2, lines 2-11, lines 19-26).

Regarding claim 17, An and De Boor teach a client terminal in a client server system, the client terminal being adapted to have access to a specified server to download specified contents stored in the specified server, the client terminal comprising:

a memory storing a code identifying a maker of the client terminal (col. 1, lines 31-40); and

means for transmitting the code to the specified server that permits downloading the specified contents to the client terminal only when the code coincides with a predetermined code (col. 1, lines 31-40).

3. Claims 4, 6, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over An and De Boor further in view of Fujiwara et al., U.S. Patent No. 6,064,879.

An teaches the invention substantially as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract). De Boor teaches the invention substantially as claimed including man-machine interfaces constructed from markup languages (see abstract).

As to claim 4, An and De Boor teach the method of claim 1.

An and De Boor teaches the phone sending the maker-identifying code and another code identifying the provider to the provider's server (col. 1, lines 54-67; col. 2, lines 1-11; An discloses a profile stored for a specific DN (directory number) and the use of a personal identification number);

a data format including both identifying codes is sent from the provider's server to the exclusive server (col. 1, lines 54-67; col. 2, lines 1-11); and

the exclusive server supplies the information stored therein to the mobile phone only when both codes are justified as codes correctly identifying the maker and the provider (col. 1, lines 54-67; col. 2, lines 1-11; An discloses the features being accessed only with the use of a DN and PIN).

An and De Boor fail to teach the limitation further including the client terminals are mobile telephones.

However, Fujiwara teaches a mobile communication method suitable for a purchased mobile unit system (see abstract). Fujiwara shows evidence of the use of mobile phones receiving exclusive information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and De Boor in view of Fujiwara to use a mobile phone as a client terminal. One would be motivated to do so because it would allow exclusive information on a portable device.

As to claim 6, An and De Boor teach a phone communicable with an exclusive server administered by a maker which made the phone, the phone comprising:

a pre-installed locator for locating the exclusive server to download contents stored in the exclusive server and made available only to the phone having the locator, the locator being installed only to the client terminal manufactured by the maker administering the exclusive server (col. 5, lines 5-21, lines 66-67; col. 2, lines 1-17; An discloses the use of a unique URL to access a server with content)



An and De Boor fail to teach the limitation further including the phones are mobile phones.

However, Fujiwara shows evidence of the use of mobile phones receiving exclusive information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and De Boor in view of Fujiwara to use a mobile phone. One would be motivated to do so because it would allow exclusive information on a portable device.

As to claims 12 and 16, An and De Boor teach the method of claim 8.

An and De Boor fail to teach the limitation further including the client terminals are mobile phone.

However, Fujiwara shows evidence of the use of mobile phones receiving exclusive information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and De Boor in view of Fujiwara to use a mobile phone as a client terminal. One would be motivated to do so because it would allow exclusive information on a portable device.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over An, De Boor, and Fujiwara further in view of Lawande et al., U.S. Patent No. 6,219,697.

An teaches the invention as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract). De Boor teaches the invention substantially as claimed including man-machine interfaces constructed from markup languages (see abstract). Fujiwara teaches the invention substantially as claimed including a mobile communication method suitable for a purchased mobile unit system (see abstract).

As to claim 5, An, De Boor, and Fujiwara teach the method of claim 4.

An, De Boor, and Fujiwara fail to teach the limitation further including the use of a header field and a data field which includes the maker-identifying code.

However, Lawande teaches a method and apparatus for operating IP protocol over a high-speed bus such as an IEEE 1394 high-speed bus (see abstract). Lawande teaches the use of header field, data field, and a company ID in a field (col. 17, lines 14-44; col. 18, lines 41-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An, De Boor, and Fujiwara in view of Lawande to use a header field and a data field which includes the maker-identifying code. One would be motivated to do so because they would help prohibit unauthorized access to the exclusive server.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over An and De Boor further in view of Hayashi, U.S. Patent No. 6,650,913.

An teaches the invention substantially as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular

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telephone feature profile (see abstract). De Boor teaches the invention substantially as claimed including man-machine interfaces constructed from markup languages (see abstract).

An and De Boor discloses an exclusive server made available exclusively to the phone made by the maker.

An and De Boor fail to teach the limitation further including a browser for downloading the content in the exclusive server.

However, Hayashi teaches an a folding mobile telephone unit that enables the user to capture an HTML (hypertext markup language) file from a Web server, analyze the file, and view the results of the analysis (see abstract). Hayashi shows evidence of the use of a web browser on a mobile phone.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and De Boor in view of Hayashi to use a mobile phone with a web browser for downloading the content in the exclusive server. One would be motivated to do so because a browser would allow for the content to be displayed on a mobile phone.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over An and De Boor further in view of Lawande et al., U.S. Patent No. 6,219,697.

An teaches the invention as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone

feature profile (see abstract). De Boor teaches the invention substantially as claimed including man-machine interfaces constructed from markup languages (see abstract).

As to claim 11, An and De Boor teach the method of claim 8.

An and De Boor fail to teach the limitation further including the use of a header field and data field, with the special command in the header field.

However, Lawande teaches a method and apparatus for operating IP protocol over a high-speed bus such as an IEEE 1394 high-speed bus (see abstract). Lawande teaches the use of a header field and data field (col. 17, lines 14-44; col. 18, lines 41-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and De Boor in view of Lawande to use a header field and data field, with the special command in the header field. One would be motivated to do so because they would help prohibit unauthorized access to the exclusive server and the special command in the header field would allow for the client to make the requested changes immediately.

7. Claims 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over An, De Boor, and Fujiwara further in view of Marshall, U.S. Patent No. 6,735,487.

An teaches the invention as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract). De Boor teaches the invention substantially as claimed

including man-machine interfaces constructed from markup languages (see abstract).  
Fujiwara teaches the invention substantially as claimed including a mobile communication method suitable for a purchased mobile unit system (see abstract).

As to claim 13, An, De Boor, and Fujiwara teach the method of claim 12.

An, De Boor, and Fujiwara fail to teach the limitation further including the use of a display panel with images to change settings.

However, Marshall teaches an interactive wagering system with promotions (see abstract). Marshall teaches the use of selecting menu option on a display to interact with a wagering service (col. 15, lines 11-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An, De Boor, and Fujiwara in view of Marshall to use a display panel with images to change settings. One would be motivated to do so because it allows changes to be made visually and accurately.

As to claim 14, An, De Boor, and Fujiwara teach the method of claim 12.

An, De Boor, and Fujiwara fail to teach the limitation further including the use of a display panel with character messages to change settings.

However, Marshall teaches the use of messages on the display for a user to sign up for options (col. 19, lines 27-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An, De Boor, and Fujiwara in view of Marshall to use a display panel

with character messages to change settings. One would be motivated to do so because it allows changes to be made visually and more accurately.

As to claim 15, An, De Boor, and Fujiwara teach the method of claim 12.

An, De Boor, and Fujiwara fail to teach the limitation further including a sound generator for outputting music which can be changed to change setting of the mobile phone.

However, Marshall teaches the use of music that can be changed if other audio needs to be played (col. 23, lines 62-67; col. 24, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An, De Boor, and Fujiwara in view of Marshall to use a sound generator for outputting music which can be changed to change setting of the mobile phone. One would be motivated to do so because it allows changes to be made regarding the music outputted on the phone.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,259,405 to Stewart et al.

U.S. Pat. No. 6,363,061 to Yuzawa.

U.S. Pat. No. 6,584,095 to Jacobi et al.

U.S. Pat. No. 6,480,833 to Tsutsumitake.

U.S. Pat. No. 6,138,044 to McGregor et al.

U.S. Pat. No. 5,974,311 to Lipsit.

U.S. Pat. No. 5,524,135 to Mizikovsky et al.

U.S. Pat. No. 5,948,066 to Whalen et al.

U.S. Pat. No. 6,223,291 to Puhl et al.

U.S. Pat. No. 6,115,471 to Oki et al.

U.S. Pat. No. 6,725,033 to Holmes.

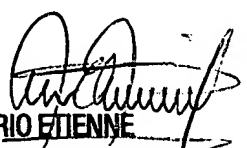
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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